

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

AUGUST 8, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 8th day of August 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chairman Tom Knotts called the meeting to order at 6:30 p.m.

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Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Curtis McCarty
Jim Gasaway
Roberta Pailes
Andy Sherrer
Sandy Bahan
Tom Knotts

MEMBERS ABSENT

Cindy Gordon
Dave Boeck
Chris Lewis

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Janay Greenlee, Planner II
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst II
Terry Floyd, Development Coordinator

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Item No. 2, being:

CONSENT DOCKET

There were no items on the Consent Docket for this meeting.

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Item No. 3, being:

APPROVAL OF THE JULY 11, 2013 REGULAR SESSION MINUTES

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to approve the minutes of the July 11, 2013 meeting as presented. Sandy Bahan seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailles, Andy Sherrer, Sandy Bahan, Tom Knotts
NAYES	None
ABSENT	Cindy Gordon, Dave Boeck, Chris Lewis

Ms. Tromble announced that the motion, to approve the minutes of the July 11, 2013 meeting as presented, passed by a vote of 6-0.

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Item No. 4, being:

ORDINANCE NO. O-1213-46 – SHARI VAUGHN REQUESTS CLOSURE OF THE NORTH THIRTY-FIVE (35) FEET OF THE SEVENTY (70) FOOT RIGHT-OF-WAY (STREET) RUNNING EAST AND WEST BETWEEN BLOCKS 3 AND 4, KNOWN AS FRANKLIN COURT (PLATTED AS MAIN STREET) LOCATED ADJACENT TO LOTS 12, 13, 14, 15, 16 AND 17 OF FRANKLIN ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Application to Close
4. Franklin Addition Plat
5. Aerial Photo
6. Protest Map and Letters
7. Excerpt of Minutes – July 11, 2013 Planning Commission

PRESENTATION BY STAFF:

1. Ken Danner – I'd like to give you some background on this area. Franklin was filed of record in 1908. It was a unique development because it had small lots, alley rights-of-way, and street rights-of-way; basically an urban design. Developers back at that time were intending to incorporate it as a town, but that never took place. In 1961 City Council annexed the property and zoned it A-2 and honored the plat. Over the years there have been several alley rights-of-way that have been closed and vacated. A north/south street known as Blackburn Avenue has been vacated. You have before you tonight a section of a right-of-way that the street has never been built on, and at this time the City has no plans to build a street. The applicant has made a request for the closure and potential vacation. The property is adjacent to a large tract to the east. There was a discussion with that property owner that indicated that they did not want the closure because they allowed large vehicles to go through that right-of-way. However, staff would be opposed to that because it is not an improved street and they do have sufficient frontage on Franklin Road. Looking over the proposal, we do not see the need for the continuation of the right-of-way and we recommend approval of the closure.

PRESENTATION BY THE APPLICANT:

1. Blaine Nice, 100 North Broadway, Oklahoma City, representing the applicant – If the Commission will remember, a few months back I came forward for Franklin Baptist Church to close a road out there as Mr. Danner said. This was an area that was platted back in 1908 but it was never incorporated, so there are a lot of different public ways out there. My client desires to build a shop a little bit north of the dirt patch. He is going to move it back once they realized there was a right-of-way there and they had a survey. They are going to have to move it to the north in order to meet the setback requirements. As you can see in the background, that's the farm to the east that the property owner had objected; he indicated he wanted to bring heavy equipment through there, but he actually has access off of Franklin Road. I don't think anybody out there was really aware there were any rights-of-way until people started coming in and trying to get building permits and the City indicated that you were going to have to close and vacate these easements to do that. The only property owner, in my opinion, that is really going to be affected is Mr. Holland. He is here tonight and I believe desires to speak to you. His property is to the south of the applicant. We are only asking that half the right-of-way be vacated; the other half would still be a public way. I had talked to several of the property owners out there to try to clean this all up because we don't like coming hodge-podge one at a time to do this. At this time, I have not been able to get everybody to agree to do that. The applicant wants to put a shop right there. I think staff supports this and I think it's got to be closed and vacated in order for my client to build a shop and I think it fits. This is certainly the purpose of the ordinance and the statute that allows you to vacate these things. If you have any questions, I'll be happy to answer those.

COMMENTS FROM THE AUDIENCE:

1. Judy Martens, 7575 E. Franklin Road – We just haven't known out there – I and my neighbors – what has been going on when the complete right-of-way was blocked off by the entry gate that was set up by Ms. Vaughn. We also think that our neighbor Austin Holland, who probably is most affected by it, ought to have equal – it ought to be split down the middle, in other words, between the two properties and they ought to have access to their property. From my perspective, it's a scary place to park and pull back into Franklin Road there because of the traffic. But I'm here mostly in support of Mr. Holland and what works best in being equal to both parties – the Hollands and the Vaughns. And insofar as using the right-of-way, yes, we have used it in the past when OG&E has brought one of those huge trucks that doesn't always clear the cattle guard, and we had a truck put a dip in our cattle guard coming in to get to their lines to their right-of-way. And then one other occasion there was a cement truck – a lot of weight – and we have used that as a means of getting it onto our property to do what they came to do. But mostly we just want to see equality between the two parties that are most affected there.

2. Charles Thomas, 7351 Franklin Court – I have Lots 1 through 8 and 27 in Block 4. I also own Lots 1 through 13 in Block 3. I am against closing any part of Franklin Court. Steve Barnsmith and I bought this property a long time and we graveled the street so it would have an access to all these lots. This street was never meant to become private property. If you go out there, if the gate was closed, you'd see the sign up there that says "private property" – you can't get through. For any one person – cars that drive down there have to back up to my gate even to turn around. They've also hit my gate about three times, which I've always had to go back and reset it and the whole works.

3. Austin Holland, 7325 E. Franklin Road – I am the property owner to the south. First of all, I have a question. On the subject tract, the subject tract on my map does not extend all the way to the western edge of that property line. Is that correct that that's not being vacated to the entire edge of the property line? Okay. Then second, my wife wanted me to bring up the fact that they've closed the right-of-way with the gate. When we moved in, we were unaware that this was a right-of-way, and that's our own fault for not knowing that. But, as Judy mentioned, we live on a hill there on Franklin Road and the speed limit is technically 40, but it's not uncommon for people to go through there at 60 or 65. And, being on the hill, it makes it very dangerous to get in and out of our property, and if I die an early death it will be right in front of my own home. So, once we realized this was a right-of-way, we started realizing we could do our fences differently when we build a shop or garage we can then access that from the back side of the property if the right-of-way remains open. So that was one of our concerns. And then the general question I have is – I guess I'm a little surprised that right-of-way would be vacated when they have two acres of land that this shop could reside on as well. So those are my general concerns.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Knotts – It appears to me that you are only taking half of the right-of-way. Is that correct?

Mr. Nice – Correct. And let me point out, the statute requires that when you close and then vacate a right-of-way it splits and goes to the adjoining property owners. Mr. Rieger and I were talking about that – typically when you vacate the entire right-of-way, how that would work – would you do half of that – I suspect the judge would still split the property and it would go to the adjoining property owner. So Ms. Marten's comment about being fair to the property owner – that's the way that works. Now, as I said when I first spoke, I don't believe anybody knew this was a right-of-way out there. People have built all over this and Mr. Austin will still – the first time we came – this has been postponed a couple times because we didn't realize there was going to be really any objection because nobody uses this. And the people showed up and we visited with them, and so we postponed it that first meeting. I think Mr. Holland in theory

– he at least told me before the meeting and told the applicant that I think he's okay with it now. We've answered his questions. My clients had a survey done. He agrees to cooperate with him and Mr. Holland will still have access to the back of his property. But, as you can see in the picture there, that's his property. I'm not sure what kind of road or what you would put back there anyway to get there, but he will still have access through that right-of-way. Now, there is a gate there now. We've had discussion about that. My client is leaving it open most of the time – I'm not saying it hasn't been shut – but we're going to work through that. I don't think that can be a part – or should be a part of the Commission's decision. That's an enforcement issue and there are things in the rights-of-way out there all over. As I've talked to the neighbors, we hope we can work together as a neighborhood and resolve those issues, and that would be my goal. Certainly with respect to the closing of the public way, that's not a part of this application and that's not something the Commission, in my opinion, could condition that on, because that's an enforcement issue and Mr. Danner and I have talked about that. They're aware if that's a problem and it's blocked they would have to move that.

2. Mr. McCarty – Could you go back a couple of photos? You had one that showed straight down. So that dirt pad is in the right-of-way, correct?

Mr. Nice – Part of it is. Just a portion of it. When they put that, they intended to put their building there. They're actually going to move it to the north because, even if this is closed and vacated, where they originally had it planned would violate the setback requirements.

Mr. McCarty – That's what I was going to ask. So we still have a setback we have to abide by.

Mr. Nice – Yes. And they know that. Yes.

Mr. McCarty – So if you move back your building to the setback requirement, what's the purpose of closing the right-of-way?

Mr. Nice – Once they close it, that gives them some more room. If they left the right-of-way open, they would have to move it even farther north and it wouldn't work where it's at. There have been some issues out there. I think there have been permits issued and things over the years. The enforcement out in this area has been – I'm not saying lax. I don't think anybody realized these rights-of-way – sometimes there have been some permits issued ...

Mr. McCarty – Probably weren't getting permits would be my guess. I guess what I'm asking – you still have to abide by your setback. So by vacating the right-of-way, that's not alleviating the setback requirement. That's what I'm trying to ask. So it really doesn't matter.

Mr. Danner – It alleviates the front building setback.

Mr. McCarty – So they're able to move it closer to the street – or where the street was going to be.

Mr. Nice – Yeah. The slope of the property doesn't fit if they move it much farther north.

Mr. McCarty – What is the purpose of not vacating the whole right-of-way in front of the property?

Mr. Nice – Because you have to have the cooperation of the other property owners. I had talked to Mr. Holland about that. We thought that, once this was filed – I had contacted him and Mr. Holland works for the Geological Survey, I believe, and he's busy and gone a lot and we never could make contact.

Mr. McCarty – Not his side. Not the piece that abuts his property, but the piece that's short of your clients. The dashed line doesn't go all the way to his property. Right? I guess it would be his west boundary.

Mr. Nice – It's because the City – there's trash service there and they require – they want that left open. Mr. Danner and I had that debate. I felt like it should go all the way, but he said because there is trash service that he wasn't comfortable going along with that. And that's hence what makes the gate technically in the right-of-way. You have trash trucks coming down private roads all the time, so I wasn't sure. But I lost that argument with him.

3. Mr. Gasaway – We had a concern by one of the citizens that spoke that it was difficult to turn around once you got in that area and ended up on his property. How do the trash trucks turn around that get down there?

Mr. Nice – I think they back up, and they're going to do that whether this is closed or not.

Mr. Gasaway – Right. I was just trying to address the concern.

Mr. Nice – This is Mr. Thomas – the front of his property right there where the arrow is, I think. The trash trucks come all the way up to there. Like I said, I tried to get Mr. Danner to go along with doing it all the way to the property line and then it wouldn't affect the gate – wouldn't be an issue, but I lost that argument.

4. Mr. Danner – The reason it didn't go all the way is because it had to have frontage.

5. Mr. Gasaway – I've got a question for Mr. Danner. You had mentioned that there were some large vehicles that occasionally were brought onto the property to the east. But, since that's not an improved section, technically that should not be used for that?

Mr. Danner – That is correct.

6. Mr. McCarty – Here is my concern, and she was explaining it to me. So if all the land owners around him wanted to vacate this same right-of-way, then how would he ever get to his house if they wanted to do the same thing? And so what she was saying is there would have to be an easement that would be put in there. And that would be my concern, is that they all say, well, let's vacate this whole right-of-way, then how is he going to get there?

Mr. Danner – I think the point is where there are existing roads, we would not recommend approval of the vacation.

Mr. McCarty – Well, there is an existing gravel road.

Mr. Danner – Not in the location where this is.

Andy Sherrer moved to recommend adoption of Ordinance No. O-1213-46 to City Council. Jim Gasaway seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Andy Sherrer, Sandy Bahan, Tom Knotts
NAYS	Roberta Pailes
ABSENT	Cindy Gordon, Dave Boeck, Chris Lewis

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-46 to City Council, passed by a vote of 5-1.

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Item No. 5, being:

ORDINANCE NO. O-1314-4 – TEAMWORKS & ASSOCIATES, L.L.C. REQUESTS REZONING FROM CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, TO O-1, OFFICE INSTITUTIONAL DISTRICT, WITH SPECIAL USE FOR A HIGH IMPACT INSTITUTIONAL USE FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF EAST ROBINSON STREET AND MEDICAL ARTS DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Existing Site Aerial
4. Proposed Site Plan
5. Organization Overview
6. CommunityWorks 12 Bed Acute Care Unit
7. Pre-Development Summary

PRESENTATION BY STAFF:

1. Jane Hudson – This application is for a rezoning request from Suburban Office Commercial District to Office Institutional to allow for the use of a high impact institutional facility to be located there. The current zoning is CO, and it does include these two lots on the subject tract. The Medical Park Plaza area is zoned CO. You've got R-1 to the west, with a church. R-1 to the north, the large lot to the north is the fairgrounds property and single-family to the north of it. There is also single-family across Robinson to the south. This is a photo of the site itself. This is a photo from the facility looking north; you can see how far the single-family homes are there in the distance. This is looking to the east; there's another center over there as well. This is looking to the south across Robinson with the single-family uses there. This is looking to the west; you can see the church there in the distance. This is behind the facility in the parking lot that you just saw a moment ago looking to the west; the church is on the other side of that screened area with the trees. The applicants are proposing to locate this acute care facility on-site. The existing zoning, as stated, the Suburban Office Commercial District, will not support the secure facility that this place is required to have, so that's why they're having to ask for the change in zoning. We had no protests for this application. Staff does support and recommends approval for Ordinance No. O-1314-4. The applicant's representative is here with a presentation.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I am happy to answer questions. There are no protests. No 2025 Plan change. No platting. Nobody came to Pre-Development. Nobody is left in the Chamber but the applicant. Existing building; no changes. We are happy to entertain questions, and I ask for your approval.

2. Ms. Pailes – How do the kids that will be here come to the attention of this group? Are they remanded by the Court, or what's the procedure?

Tracy Spurgeon, CommunityWorks, 122 East Eufaula – The way that they come, most generally, is there would be a referral through the Health Care Authority or through the Department of Human Services. Most often these children are not in the custody of their parents anymore, and they would be in the ages of 6 to 14. By our design, they would not be older than 14. I don't believe you mix those ages any more. I've been at this for about 25 years and I think the little guys need a chance.

3. Mr. Gasaway – What generally happens to the kids after they reach 14, since they're not with their families generally?

Ms. Spurgeon – Typically there would be some other level of care.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

*Jim Gasaway moved to recommend adoption of Ordinance No. O-1314-4 to City Council.
Curtis McCarty seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailles, Andy Sherrer, Sandy Bahan, Tom Knotts
NAYS	None
ABSENT	Cindy Gordon, Dave Boeck, Chris Lewis

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1314-4 to City Council, passed by a vote of 6-0.

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Item No. 6, being:

RPT-1314-6 – PRESENTATION OF THE ANNUAL REPORT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN.

PRESENTATION BY STAFF:

1. Ms. Connors – I am presenting to you the 2012 Annual Status Report of the Norman Development 2025 Plan. We bring this to you every year. This report primarily includes maps and tables and statistical summaries of the amount, type, and location of development that has occurred in the previous year. We are a little behind on this report this year. This report is separated into several different categories. One of them is our long-range planning activity, and this past year we adopted the Greenways Master Plan in August of 2012. We amended the Zoning Code quite often this last year. We did digital off-premise signs in April. We approved digital on-premise signs in October. We created a land use for crematoriums in November. We now allow chickens in the R-1 single-family zoning category, and we did that in November. Also, after the wildfires in August of 2012, the City Council adopted allowing temporary dwellings while rebuilding houses destroyed by the wildfires. Also City Council adopted the Original Townsite and Bishop Creek Neighborhood Plans in November of 2012. As some of you may remember, we had a long discussion on high density; we had the discussion series and then the development of the ordinance through 2012 and into 2013, and that has been tabled.

This is a map of the two plans that we did – the Original Townsite Neighborhood and Bishop Creek Neighborhood that was passed.

This shows you the residential construction activity. It is interesting the major single-family activity continues to be in Ward 6, but the highest numbers of new residential units are in Wards 3, 5 and 7, but all of those are multi-family units. In 2011 we had no permits for multi-family; in 2012 we have had an abundance – over 900, I believe, permits issued for multi-family units.

The new non-residential construction – primarily we're seeing the new construction in the University North Park area. Also up around the hospital there have been several new medical buildings that have been constructed. The others are smaller new construction along Main Street and on the east side of the City.

This is now the additions/alterations for non-residential. You can see in the center part of the City along Main Street we had a lot of add/alts, as we call them, permit activity and not so much outside the center part of the City.

We had 22 land use plan changes, and they were rather small, scattered all over across the City. We also did not have this past year any major subdivisions. We had so many in 2011 that we didn't have any major changes. I think we'll have a couple more major subdivisions coming through and preliminary plats that have expired being re-approved in 2013.

This shows your 2010 to 2012 platting history, with the red being the most recent year, 2011 in blue and 2010 being green. You can see in 2011 we had all that activity up along Indian Hills Road in the northwest corner of the City. This shows your Norman rural certificates of survey and short form plats, and those are primarily in the eastern part of Norman.

Some of the conclusions we can draw of what occurred in 2012, the commercial development was similar to 2011 but there was a sizeable increase in both industrial and office square footage in 2012 from the previous year. Again, University North Park had many developments underway in 2012 to be completed this year. And several new medical buildings are under construction at the west side Norman Regional Hospital. Multi-family residential construction in 2012 doubled from 2010. We had zero permits in 2011, so from 2011 to now we're seeing a huge increase in multi-family development. There was an increase in single-family construction value in 2012, however the value is still below the level of 2008, which was our last big year before we had the downturn in the economy, but we are seeing increases continually now over the last couple of years. Also additions and alterations are well above the average of the last five years in the single-family area.

Our total non-residential permitting valuation in 2012 was \$85.5 million; that was below the 2011 number, but still very encouraging. The majority of the valuation in non-residential was for new construction rather than additions and alterations. Our total value of all types of

construction activity in 2012 was \$213 million; this is the highest value in the last five years. This includes residential and non-residential, and it's also above the five-year average of the \$189.1 million. Our largest change was in the multi-family category. I'd be happy to answer any questions you might have.

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Item No. 7, being:

MISCELLANEOUS DISCUSSION

None

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Item No. 8, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 7:11 p.m.


Norman Planning Commission